

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FERAYDOON S. JAMZADEH

Appeal No. 96-1021
Application 08/143,512¹

ON BRIEF

Before HAIRSTON, FLEMING and CARMICHAEL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 45-80, which constitute all the claims remaining in the application.

We reverse.

Claim 45 reads as follows:

45. An apparatus for making prints from a strip carrying a plurality of distinct printable image frames, said

¹ Application for patent filed October 26, 1993.

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apparatus comprising:

a keyboard for inputting the number of prints to be made of particular ones of the image frames and a criterion representing a characteristic of the image within an image frame that is to be used to identify the particular image frame;

a film scanner for scanning the images within each image frame and generating signals representing the images scanned;

a computer programmed to analyze the scanned images and the particular image frames based on the criterion; and

a printer for printing the particular images according to the number inputted having those characteristics of the particular image frames wherein the computer is programmed to analyze the pre-scan data to identify indoor versus outdoor scenes by comparing the peripheral and central densities of an image.

The examiner's Answer cites the following prior art:

Terashita	5,023,656	Jun. 11, 1991
Cosgrove	5,157,482	Oct. 20, 1992
Shimizu	5,159,444	Oct. 27, 1992
Hutcheson et al. (Hutcheson '204)	5,161,204	Nov. 3, 1992
Hutcheson et al. (Hutcheson '714)	5,274,714	Dec. 28, 1993

OPINION

Hutcheson in view of Terashita

Claims 45, 49, 53, 57, 61, 69, 73, and 77 stand rejected

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under 35 U.S.C. § 103 as unpatentable over either Hutcheson in view of Terashita.

Hutcheson discloses a system for identifying people and the like by comparing an image of them to a large database of prestored known images. The unidentified input image is obtained from a video frame grabber. There is no identification criterion, entered in a keyboard, upon which the computer could analyze and identify scanned images for selective printing as required by the claims on appeal. Rather, the search is made on the basis of the scanned video image. Moreover, Hutcheson makes prints from a database, not from a film strip.

Terashita discloses a frame by frame printing process which calculates a print exposure amount for a given frame based on analysis of the image contained in that frame. There is no identification criterion upon which the computer could analyze and identify scanned images for selective printing as required by the claims on appeal. Rather, each frame is analyzed one at a time merely to optimize the print of that frame.

The examiner's statement of the rejection is contained in the final Office action. After describing the content of Hutcheson and Terashita, the examiner states that it would have

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been obvious "to incorporate Terashita's apparatus and method into Hutcheson's apparatus, as Terashita suggests, for the motivation of providing a method and apparatus for discriminating a principal image correctly." Paper No. 6 at page 3. Appellant argues that "[t]he combination clearly does not produce applicant's invention." Appeal Brief at 7.

We agree with Appellant. The examiner has not explained how one could "incorporate Terashita's apparatus and method into Hutcheson's apparatus" to create Appellant's invention. Both references lack the recited computer programmed to analyze and identify scanned image frames based on criteria entered in a keyboard and a printer for printing the scanned images selected by that analysis. Thus, no conceivable combination of the references could create the claimed subject matter and the rejection will not be sustained.

Hutcheson in view of Terashita further in view of Shimizu or Cosgrove

The remaining claims stand rejected under 35 U.S.C. § 103 as unpatentable over Hutcheson in view of Terashita as discussed above, and further in view of Shimizu or Cosgrove.

Neither Shimizu nor Cosgrove remedy the defects of the basic rejection. Neither discloses the recited method steps or

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apparatus features for analyzing and identifying scanned image frames based on criteria entered in a keyboard and printing the scanned images selected by that analysis.

Therefore, none of the rejections will be sustained.

CONCLUSION

The rejections of Claims 45-80 are reversed.

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KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	
Administrative Patent Judge)	APPEALS AND
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